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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,036	10/16/2003	Janne Jalkanen	042933/269519	7495
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER TRAIL, ALLYSON NEEL	
			ART UNIT 2876	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/687,036

Applicant(s)

JALKANEN ET AL.

Examiner

Allyson N. Trail

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on September 7, 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 11, 12, 14-16, 18, 25, 26, 29, 30, 32, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 3, 5-10, 13, 17, 19-24, 27, 28, 31, 33-38 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. This Action is in response to the Appeal Brief filed September 9, 2006. It was pointed out by the Applicant that the text relied upon with respect to claims 4, 18, and 32 in the previous Office actions did not correlate to the reference name (Evanyk) or number (2004/0225199). The delay in citation of the correct prior art reference (Cremon et al 2002/0191998) is regretted. This current Office action includes the correct prior art reference number (see PTO-892, Notice of Reference Cited). The scope of the previous Office action is unchanged. Because a new reference number is being applied, prosecution is reopened.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 11, 12, 14-16, 29, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Sepanaho (2002/0022961).

In regards to claims 1, 2, 11, 14-16, 29, and 30, Sepanaho teaches a short-range radio transmitter, which establishes a link to a portable digital user device, within a predetermined distance, and transmits a universal resource locator (URL) to the user device. (Abstract).

The radio transmitter utilizes a short range radio frequency device placed in a specific location to provide the user of a hand-held unit, such as a digital mobile phone, personal digital assistant or a portable computer, with information relevant to the user's specific location. (Paragraph 0016).

Sepanaho discloses using an RF link between a programmable transmitter and a portable digital user device, such as a portable computer, digital mobile phone or a personal digital assistant. As described above, a URL is transmitted from the transmitter to the user device. The transmission of the URL will cause the execution of a software program on the user device. This software program will in turn launch the appropriate software program, such as an Internet browser or micro browser, and pass the URL so that the appropriate information may be loaded from that URL through another RF link, such as a digital mobile telephone network. (Paragraph 0017).

Paragraph 0002 of Sepanaho clearly discloses both receiving information over an air interface and determining whether the terminal is actively operating an application. Paragraph 0002 recites, "the present invention relates generally to apparatus and methods utilizing a radio frequency (RF) link between a preprogrammed transmitter and a portable digital device (user devices), such as a portable computer, digital mobile phone or personal digital assistant. A universal resource locator (URL) is transmitted to such a user device. The transmission of the URL causes an appropriate software program to be executed on the user device. This software program will in turn launch the appropriate software program, such as an Internet Browser or Micro Browser, and pass or transmit the URL so that the appropriate information may be

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loaded from that URL through another RF link, such as a digital mobile telephone network." Clearly, an RF link is received over an air interface. As explained in paragraph 0002, if it is determined whether the terminal is actively operating an application (includes the appropriate software program, such as an Internet Browser), a predefined action is performed (the URL is transmitted).

Sepananho teaches the following in regards to claim 12:

Figure 2 shows the components of the URL broadcast device (signaling tag). As shown the figure the signaling tag includes a transceiver.

As shown in figure 3, the signaling tag scans and searches for a user device. Once the device is found a connection is made and the URL is sent to the user's device.

"The radio transceiver module (22) may include any industry standard digital transmission protocol such as Bluetooth.TM. (Motorola, Inc.), IEEE 802.11 b (The Institute of Electrical and Electronics Engineers), or similar, and is connected to an antenna (21). The "Bluetooth" protocol defines a universal radio interface in the 2.45 GHz frequency band that enables wireless electronic devices to connect and communicate wirelessly via short-range, ad hoc networks." (Paragraph 0025).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 4, 18, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sepanaho (2002/0022961) in view of Cremon et al (2002/0191998).

Sepanaho's teachings are discussed above. Sepanaho's teachings however fail to disclose writing data to the signaling tag or in other words the signaling tag receiving data.

Cremon et al teach the following in regards to claims 4, 18, and 32:

"Software programmable products, for example, cellular telephones and wireless enabled data or computer devices have receiver/transmitter circuitry that could be adapted to read and/or encode RFID's. The present invention may use this circuitry to read and or write to the reconfiguration data on an RF tag, or receive RF data directly into the product's circuitry via an onboard RFID circuit." (Paragraph 0020).

In view of Cremon et al's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to allow data communication both to and from the RFID tag as taught by Cremon et al. Sepanaho teaches communication between the signaling tag and the user's device. One would be motivated to permit communication back to the signaling device in order to perhaps ask the signaling device for additional information or communicate that the data transmitted from the tag to the user device was faulty and to resend the data.

6. Claims 25, 26, 39, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sepanaho (2002/0022961) in view of Harumoto (2004/0203413).

Sepanaho's teachings are discussed above. These teaching include teachings in regards to claims 26-28, 40, and 41. Sepanaho's teachings however fail to disclose

the controller being capable of selecting a signaling tag before receiving information regarding the signaling tag.

Harumoto teaches the following in regards to claims 25, 26, 39, and 40:

“The password and the system ID are data for confirming that the wireless communication tag 72 is a wireless communication tag 72 which is allowed to exchange information with the wireless communication device 130.” (Paragraph 0069).

In view of Harumoto's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to offer the user the choice of accepting the data communicated from the signaling device as taught by Harumoto. One would be motivated to allow owners of mobile devices the option of preventing certain information to be communicated to his or her device.

Allowable Subject Matter

7. Claims 3, 5-10, 13, 17, 19-24, 27, 28, 31, 33-38, and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

The following is an examiner's for allowance: Although Sepanaho teaches a method of interacting with a signaling tag, wherein the method includes receiving information regarding a signaling tag at a terminal over an air interface, determining whether the terminal is actively operating an application; and if so, performing a predefined action based upon the application and a state of the application, the above identified prior art of record, taken alone, or in combination with any other prior art, fails

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to teach or fairly suggest the specific features of claims 3, 5-10, 13, 17, 19-24, 27, 28, 31, 33-38, and 41 of the present claimed invention. Specifically prior art fails to teach wherein performing a predefined action includes reading data from the signaling tag into the terminal when the information regarding the signaling tag indicates that the signaling tag is capable of at least transmitting data and either the terminal is not actively operating an application or the operating application is in a state other than a state of receiving data. Prior art additionally fails to teach the signaling tag comprising a transceiver, wherein the predetermined action comprises writing data to a device associated with the transceiver when the information regarding the signaling tag indicates that the transceiver is capable of at least receiving data, the terminal is actively operating an application, and the application is in a state of presenting data, and wherein writing data to the device includes writing data to the device in a manner independent of the transceiver. Prior art fails to teach sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different tag type, receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response; and identifying a tag type based upon the interrogation signal that triggers the response, wherein receiving information regarding a signaling tag comprises receiving the identified tag type. The above limitations are not disclosed in prior art and moreover, one of ordinary skill in the art would not have been motivated to come to the claimed invention.

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Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson N. Trail* whose telephone number is (571) 272-2406. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

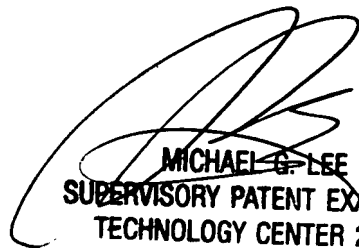
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571) 272-2398. The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.trail@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

AT

Allyson N. Trail
Patent Examiner
Art Unit 2876
August 7, 2007


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